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Director & State Health Officer

State of California—Health and Human Services Agency
California Department of Public Health



EDMUND G. BROWN JR.
Governor

July 31, 2013

Lois Henry, Board President
Lompico County Water District
11255 Lompico Rd.
Felton, CA 95018

Attention Ms. Henry:

**ISSUANCE OF COMPLIANCE ORDER NO. 02-05-13R-001 FOR TOTAL TRIHALOMETHANE
MCL EXCEEDANCE – LOMPICO COUNTY WATER DISTRICT (4410015)**

Enclosed is a Compliance Order issued to Lompico County Water District water system.

In the second quarter of 2013, the Lompico County Water District failed to comply with the primary maximum contaminant level (MCL) for Total Trihalomethanes (TTHM) as specified in Section 64533(a) of the California Code of Regulations. The District exceeded the TTHM MCL of 0.080 mg/L with a running annual average TTHM concentration of 0.091 mg/L.

Lompico County Water District will be billed at the Department's hourly rate (currently estimated at \$126.00) for the time spent on issuing this Compliance Order since this is an enforcement action for noncompliance with state regulations. If you have any questions regarding this matter, please contact Jonathan Weininger at (831) 655-6932 or me at (831) 655-6934.

Sincerely,

Jan R. Sweigert, P.E.
District Engineer, Monterey District
Drinking Water Field Operations Branch

CERTIFIED MAIL No: 7008 1830 0004 5435 0486

Enclosures:

Compliance Order 02-05-13R-001
Attachment A: Proof of Notification
Attachment B: Instructions for Notification

cc: Santa Cruz Environmental Health Department

STATE OF CALIFORNIA

DEPARTMENT OF PUBLIC HEALTH

IN RE: LOMPICO COUNTY WATER DISTRICT

Water System No. 4410015

TO: Lois Henry, Board President
Lompico County Water District
11255 Lompico Rd.
Felton, CA 95018

Date Issued: July 31, 2013

COMPLIANCE ORDER FOR VIOLATION OF HEALTH AND SAFETY CODE

SECTIONS 116555 (a)(1) AND (a)(3) AND CALIFORNIA CODE OF

REGULATIONS TITLE 22, SECTION 64533

Section 116655 of the California Health and Safety Code authorizes the issuance of an order for failure to comply with a requirement of California Safe Drinking Water Act (California Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any permit, regulation, or standard issued thereunder.



1 The Division of Drinking Water and Environmental Management of the State of
2 California Department of Public Health (Department) hereby issues a compliance
3 order (Order) to Lompico County Water District for failure to comply with Health and
4 Safety Code Sections 116555 (a)(1) and (a)(3) and Title 22, California Code of
5 Regulations (CCR), Section 64533.
6

7 8 **STATEMENT OF FACTS**

9
10 Lompico County Water District (System) is a community water system serving a
11 population of approximately 1,300 people and operates under a domestic water supply
12 permit issued by the Department on July 22, 1966. The water system consists of three
13 active groundwater sources, one standby groundwater source, a microfiltration
14 membrane surface water treatment plant treating the local Mill Creek, chlorination
15 applied for disinfection to the groundwater and surface water effluent, three booster
16 stations, and six redwood tanks used for storage.
17

18
19 Title 22, CCR, Section 64533 specifies that the primary maximum contaminant level
20 (MCL) of 0.080 mg/L for Total Trihalomethanes (TTHM) based on a running annual
21 average (RAA) of quarterly monitoring results shall not be exceeded in drinking water
22 supplied to the public.
23

24
25 In August 2012, the System was placed on an increased quarterly monitoring
26 frequency for a minimum of four quarters following the TTHM results of 153 ug/L at
27 Site 1 and 105 ug/L at Site 2.



A chronology of TTHM monitoring for the System is shown below:

TTHM Monitoring Quarter	TTHM Result, ug/L	TTHM Site 1&2 Average, ug/L	Running Annual Average (RAA), ug/L
2nd Quarter 2013	Site 1: 82.3	86.8	91.07
	Site 2: 91.3		
1st Quarter 2013	No Sample Taken	N/A	
4th Quarter 2012	Site 1: 56.6	57.4	
	Site 2: 58.2		
3rd Quarter 2012	Site 1: 153	129	
	Site 2: 105		

Following the second quarter 2013 TTHM results, the System had been on a quarterly TTHM monitoring frequency for four quarters and a running annual average could be calculated. Averaging the third quarter of 2012, fourth quarter of 2012, and second quarter of 2013, the System's TTHM running annual average is calculated to be 91.07 ug/L, which exceeds the MCL of 80 ug/L.

AUTHORITIES

Health and Safety Code Section 116555 states in relevant part:

116555. Operational Requirements.

(a) Any person who owns a public water system shall ensure that the system does all of the following:

(1) Complies with primary and secondary drinking water standards.

(3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.

Health and Safety Code Section 116655 states in relevant part:

116655. Orders.

(a) Whenever the Department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

(1) Directing compliance forthwith.

(2) Directing compliance in accordance with a time schedule set by the department.

(3) Directing that appropriate preventive action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

(1) That the existing plant, works, or system be repaired, altered, or added to.

(2) That purification or treatment works be installed.

(3) That the source of the water supply be changed.

(4) That no additional service connection be made to the system.

(5) That the water supply, the plant, or the system be monitored.

(6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the department.

California Code of Regulations, Title 22, Section 64533 states in relevant part:

64533. Maximum Contaminant Levels for Disinfection Byproducts.

(a) Using the monitoring and calculation methods specified in Sections 64534, 64534.2, 64535, and 64535.2, the primary MCLs for the disinfection byproducts shown in table 64533-A shall not be exceeded in drinking water supplied to the public.



Table 64533-A: Maximum Contaminant Levels and Detection Limits for Purposes of Reporting Disinfection Byproducts

Disinfection By Product	Maximum Contaminant Level (mg/L)	Detection Limit for Purposes of Reporting (mg/L)
Total Trihalomethanes (TTHM)	0.080	

64535.2. Determining Disinfection Byproducts Compliance.

(b) TTHM and HAA5 MCL compliance, as monitored pursuant to Section 64534.2(a), shall be determined as follows:

(1) For systems monitoring quarterly, the running annual arithmetic average, computed quarterly, of quarterly arithmetic averages of all samples collected pursuant to Section 64534.2(a) shall not exceed the MCLs specified in section 64533;

(3) If the running annual arithmetic average of quarterly averages covering any consecutive four-quarter period exceeds the MCL, the system is in violation of the MCL and shall notify the public pursuant to Sections 64463, 64463.4, and 64465, including language in Appendix 64465-G, in addition to reporting to the Department pursuant to Sections 64537 through 64537.6; and

(4) If a public water system fails to complete four consecutive quarters of monitoring, compliance with the MCL for the last four-quarter compliance period shall be based on an average of the available data.

DETERMINATIONS

Based on the above-described Statement of Facts, the Department determines that the System has violated the following:



1. Health and Safety Code, Section 116555 (a)(1): Specifically, the System has failed to comply with primary and secondary drinking water standards.
2. Health and Safety Code, Section 116555 (a)(3): Specifically, the System has failed to provide a reliable and adequate supply of pure, wholesome, healthful and potable water.
3. California Code of Regulations, Title 22 Section 64533: Specifically, the System has failed to comply with the primary maximum contaminant level for TTHM's of 0.080 mg/L.

ORDER

Pursuant to Section 116655 of the California Health and Safety Code, the Department and its Director hereby orders the system to do the following:

Directive 1: As soon as possible, the System shall comply with California Health and Safety Code Sections 116555(a)(1) and (a)(3) and California Code of Regulations Section 64431 in all future monitoring periods.

Directive 2: Effective immediately, the System shall provide quarterly public notification of its failure to comply with the TTHM MCL during any calendar quarter in which the four-quarter running annual average TTHM concentration exceeds the MCL. The notification procedures and format are provided in Attachment B. The draft notification must be edited by the System and



1 approved by the Department prior to distribution. Proof of public notification
2 shall be provided to the Department following each quarterly notification by the
3 10th day of the month following notification, using the form provided as
4 Attachment A.

5
6 **Directive 3: Effective immediately**, The System shall conduct **third quarter**
7 **of 2013** TTHM and HAA5 monitoring in the distribution system in accordance
8 with the Stage 1 DBP monitoring plan by **September 30, 2013**, and the results
9 reported to the Department by **October 10, 2013**.

10
11 **Directive 4: By September 30, 2013**, the System shall submit to the
12 Department for review and approval, a plan and compliance schedule for
13 improvements to the water system to correct the TTHM water quality problem
14 and eliminate the delivery of water to consumers that does not meet the TTHM
15 primary drinking water standards. Following submittal of the schedule, the
16 System shall submit monthly progress reports to the Department by the tenth of
17 each month until the System returns to compliance.

18
19 **Directive 5: By December 31, 2014**, the System shall complete all the
20 improvements in the proposed project submitted pursuant to Directive 4 above
21 in accordance with the compliance schedule to be reviewed and approved by
22 the Department.

23
24 **Directive 6: By August 20, 2013**, the System shall submit a written response
25 to the Department indicating its willingness to comply with the directives of this
26 Order.
27



1 The Department reserves the right to make such modification to this Order as it may
2 deem necessary to protect public health and safety. Such modifications may be
3 issued as amendments to this Order and shall be effective upon issuance.
4

5 Nothing in this Order relieves the System of its obligation to meet the requirements of
6 the California Safe Drinking Water Act (Health and Safety Code, Division 104, Part 12,
7 Chapter 4, commencing with Section 116270), or any permit, regulation, standard or
8 order issued thereunder,
9

10 All submittals required by this Order shall be addressed to:
11

12 Jan Sweigert, P.E., Monterey District Engineer
13 California Department of Public Health,
14 Drinking Water Field Operations Branch
1 Lower Ragsdale Dr., Bldg. 1, Suite 120
Monterey, CA 93940

15 **PARTIES BOUND**

16 This Order shall apply to and be binding upon the System, its officers, directors,
17 agents, employees, contractors, successors and assignees.
18

19 **SEVERABILITY**

20
21 The directives of this Order are severable, and the System shall comply with each
22 and every provision thereof notwithstanding the effectiveness of any provision.
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24
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27



FURTHER ENFORCEMENT ACTION

Division 104, Part 12, Chapter 4, (commencing with section 116270) of the H&S Code authorizes the Department to: issue a citation with assessment of penalties for failure to comply with any order, in an amount not to exceed one thousand dollars (\$1,000) per day for each day the violation continues; take action to suspend or revoke a permit that has been issued to a public water system if the system has failed to comply with an order of the Department; and petition the superior court to take various enforcement actions against a public water system that has failed to comply with an order of the Department. The Department does not waive any further enforcement action by issuance of this Order.

The State of California shall not be liable for any injuries or damages to persons or property resulting from acts or omissions by the System, its employees, agents or contractors in carrying out activities pursuant to this Order, nor shall the State of California be held as a party to any contract entered into by the System or its agents in carrying out activities pursuant to the Order.



Stefan Cajina, P.E., Chief
North Coastal Region
Drinking Water Program

July 31, 2013
Date



CERTIFIED MAIL # 7008 1830 0004 5435 0486

Attachments:

- Attachment A: Proof of Notification Form
- Attachment B: Public Notification Method & Notice



ATTACHMENT A
PROOF OF NOTIFICATION

Name of Water System: **Lompico County Water District**

System Number: **4410015**

Certification

As required by Section 64463.4 of the California Code of Regulations, I notified the users of the water supplied by Cinnabar Elementary School of the TTHM violation of Section 64431 of the California Code of Regulations for the compliance period of April 1, 2013 – through June 30, 2013. I complied with the directives of this order as indicated below:

Required Action	Date Completed
Public Notification – Mail or Direct Delivery	<input type="text"/>
Public Notification – Posting in Public Places Served by the Water System or publication in a newspaper	<input type="text"/>

Signature of Water System Representative

Date

Attach a copy of the direct delivery/mail notice and a copy of the public posting.

THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT

ATTACHMENT B

Instructions for Tier 2 Total Trihalomethanes MCL Notice Instructions & Template

Since exceeding the Total Trihalomethanes (TTHM) maximum contaminant level (MCL) is a Tier 2 violation, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [California Code of Regulations Title 22, Chapter 15, Section 64463.4(b)]. **Each water system required to give public notice must submit the notice to the Department for approval prior to distribution or posting, unless otherwise directed by the Department [64463(b)].**

Notification Methods

You must use the methods summarized in the table below to deliver the notice to consumers. If you mail, post, or hand deliver, print your notice on letterhead, if available.

<i>If You Are a...</i>	<i>You Must Notify Consumers by...</i>	<i>...and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method...</i>
Community Water System [64463.4(c)(1)]	Mail or direct delivery ^(a)	Publication in a local newspaper
		Posting in public places served by the water system or on the Internet ^(b)
		Delivery to community organizations
Non-Community Water System [64463.4(c)(2)]	Posting in conspicuous locations throughout the area served by the water system ^(b)	Publication in a local newspaper or newsletter distributed to customers
		Email message to employees or students
		Posting on the Internet or intranet ^(b)
		Direct delivery to each customer

(a) Notice must be distributed to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system.

(b) Notice must be posted in place for as long as the violation or occurrence continues, but in no case less than seven days.

The notice attached is appropriate for the methods described above. However, you wish to modify it before using it for posting. If you do, you must still include all the required elements and leave the health effects and notification language in italics unchanged. This language is mandatory [64465].

Multilingual Requirement

Spanish. Each public notice must contain information in Spanish regarding (1) the importance of the notice or (2) contain a telephone number or address where Spanish-speaking residents

may contact the water system to obtain a translated copy of the public notice or assistance in Spanish.

Non-English Speaking Groups Other than Spanish-Speaking. For each group that exceeds 1,000 residents or 10% of the residents in the community served, whichever is less, the public notice must (1) contain information in the appropriate language(s) regarding the importance of the notice or (2) contain a telephone number or address where such residents may contact the water system to obtain a translated copy of the notice or assistance in the appropriate language.

Population Served

Make sure it is clear who is served by your water system -- you may need to list the areas you serve.

Corrective Action

In your notice, describe corrective actions you are taking. Do not use overly technical terminology when describing treatment methods. Listed below are some steps commonly taken by water systems with chemical or radiological violations. Use one or more of the following actions, if appropriate, or develop your own:

- “We are working with [local/state agency] to evaluate the water supply and researching options to correct the problem. These options may include treating the water to remove TTHM or connecting to [system]’s water supply.”
- “We have stopped using the contaminated well. We have increased pumping from other wells, and we are investigating drilling a new well.”
- “We will increase the frequency at which we test the water for TTHM.”
- “We have since taken samples at this location and had them tested. They show that we meet the standards.”

After Issuing the Notice

Send a copy of each type of notice and a certification that you have met all the public notice requirements to the Department within ten days after you issue the notice [64469(d)]. You should also issue a follow-up notice in addition to meeting any repeat notice requirements the Department sets. It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately.

It is a good idea to issue a “problem corrected” notice when the violation is resolved.

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.
Tradúzcalo o hable con alguien que lo entienda bien.

Lompico County Water District Has Levels of Total Trihalomethanes Above the Drinking Water Standard

Our water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened, and what we are doing to correct this situation.

We routinely monitor for the presence of drinking water contaminants. The average water sample results collected from April 1, 2013 – through June 30, 2013, 2013 exceeded the State standard, or maximum contaminant level (MCL), of 0.080 milligrams per liter in the distribution system for total trihalomethanes.

What should I do?

- **You do not need to use an alternative water supply (e.g., bottled water).**
- This is not an emergency. If it had been, you would have been notified immediately. However, *some people who drink water containing trihalomethanes in excess of the MCL over many years may experience liver, kidney, or central nervous system problems and may have an increased risk of getting cancer.*
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

[Describe corrective action]. We anticipate resolving the problem within [estimated time frame].

For more information, please contact [Contact Name] at [Phone Number] or [Address]

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by Lompico County Water District

State Water System ID#: 4410015. Date distributed: _____.